

STATE OF INDIANA

_____ COURT

In The Matter Of _____ CAUSE NO. _____

A Child Alleged to be a Child in Need of Services

ORDER ON DETENTION HEARING

_____ (child's name)
is produced before the Court for a Detention
Hearing this _____ day of _____, _____.

Actual notice of the time, place and purpose of Detention Hearing has been given to the child
and _____, or
(parent) (guardian) (custodian)
_____ cannot be located.
(parent) (guardian) (custodian)

Foster/Resource Parent/Caretaker

EMS Provider (for abandoned infant under IC 31-34-2.5)

Present at the hearing are: _____.

The Detention Hearing is now held.

1. *Probable Cause (choose one:)*

[] The Court now finds that probable cause does **not** exist to believe that the child is a
child in need of services and orders said child released to the custody
of _____ (parent) (guardian) (custodian)

-OR-

[] The Court now finds that probable cause exists to believe the child is a child in need of
services, but the child is not in need of further detention, and accordingly, orders the child
released to _____ (parent) (guardian) (custodian)
_____ upon the latter's written promise to bring the child before
the Court on the _____ day of _____, 20____, at _____ a.m./p.m. and from day to
day thereafter as ordered by the Court.

-OR-

☐ The Court now finds that probable cause exists to believe the child is a child in need of services and the child should be detained because:

- ☐ the child is unlikely to appear for subsequent proceedings;
- ☐ detention is necessary to protect the child;
- ☐ the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or
- ☐ consideration for the safety of the child precludes the use of family services to prevent removal of the child; or
- ☐ the child has a reasonable basis for requesting that the child not be released.

2. *Removal: (choose one)*

☐ The removal of the child **was not** authorized or necessary under IND. CODE 31-34-2-3 to protect the child.

-OR-

☐ The removal of the child **was** authorized and necessary under IND. CODE 31-34-2-3 to protect the child. It is in the best interest of the child to be removed from the home environment and remaining in the home would be contrary to the health and welfare of the child because *(Example: it appears the child has been physically abused by the parent; it appears the residence of the parent is in such condition as to cause immediate harm to the child)*

3. *Reasonable efforts: (if child is detained)*

☐ Reasonable efforts have been made to prevent or eliminate the need for removal of the child as set forth in the Report of Preliminary Inquiry.

The following family services were available before the removal of the child:

The following efforts were made to provide family services before the removal of the child:_____

Efforts made to provide family services did not prevent removal of the child for the following reasons:

-OR-

☐ The Department of Child Services (DCS) has not made reasonable efforts to avoid placement of the child outside the home. The DCS is ordered to provide necessary services to

reunify the family and to report those efforts to the court not later than 60 days from the date of removal.

-OR-

- ☐ Reasonable efforts to prevent removal of the child were not required because the parent, guardian, or custodian subjected the child to aggravated circumstances that affected the safety of the child. [Set forth the specific aggravated circumstances.]
-

OR-

- ☐ Reasonable efforts to prevent removal of the child were not required. Due to the emergency nature of the situation no reasonable efforts could be made to prevent removal. [Set forth the nature of the emergency situation.]
-

The Indiana Department of Child Services, _____ local office (DCS) is given responsibility for placement and care of the child.

The court further finds that the legal settlement of the child is _____ and DCS should provide notice required by IND. CODE 20-26-11-9.

- ☐ (*If probable cause is found*) Pursuant to Ind. Code 31-34-10, a Guardian Ad Litem, Court Appointed Special Advocate or both shall be appointed.

DCS has placed the child in:

- ☐ foster care/
☐ kinship care with _____, having the relationship of _____ to the child;
☐ Institution (name) _____ located in _____ County, _____ (state).

DCS recommends

- ☐ continuation of the existing placement
☐ change of placement to _____.

- ☐ The Court accepts the recommendation of the DCS regarding placement, services, and programs.

OR

- ☐ The Court finds that the recommendations of the DCS are unreasonable based on the facts and circumstances of the case or are contrary to the welfare and best interests of the child as follows: _____.

The Court orders a change the child's current placement to _____.

The placement is an emergency required to protect the health and welfare of the child for the following reasons:

Within three days of the date of this order, DCS may submit a consideration report to the court, stating whether the department approves or disapproves the proposed service, program, or placement. The department may recommend an alternative service, program, or placement for the child. The court shall accept the recommendations of the department unless it finds the recommendation is unreasonable, based on the facts and circumstances of the case; or contrary to the welfare and best interests of the child.

☐ (*Use when the placement ordered is not in the State of Indiana and not recommended by DCS*) The Court finds by clear and convincing evidence that out of state placement is appropriate because:

☐ there is not a comparable facility with adequate services located in Indiana based on the following findings:

☐ the location of the home or facility is _____ and is within a distance not greater than fifty (50) miles from the county of the residence of the child which is _____.

☐ The placement is an emergency required to protect the health and welfare of the child for the following reasons:

☐ A separate Financial Obligation Order may be issued.

☐ Upon consideration of IC 31-32-6-2 through 5, the public is hereby excluded from all proceedings.

☐ Upon consideration of IC 31-32-6-8 for good cause the child is excluded from hearings in this matter.

☐ A copy of this order is to be distributed to DCS.

This matter is set for an initial hearing on _____, 20__ , at _____ a.m./p.m.

☐ (*If child is detained*) This matter is set for a review hearing on _____, 20__, _____a.m./p.m.

☐ (*If child is detained*) This matter is set for a permanency hearing on _____, 20__. _____a.m./p.m.

So ordered this _____ day of _____.

Judge